

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment of ARM        )  
37.70.601 pertaining to Low Income        )  
Energy Assistance Program (LIEAP)        )  
  )

NOTICE OF PUBLIC HEARING  
ON PROPOSED AMENDMENT

TO: All Interested Persons

1. On March 19, 2008, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the Sapphire Room, 2401 Colonial Drive, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process (including reasonable accommodations at the hearing site) or who need an alternative accessible format of this notice. If you need an accommodation, contact the department no later than 5:00 p.m. on March 10, 2008. Please contact Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210; telephone (406)444-4094; fax (406)444-9744; e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows. New matter is underlined. Matter to be deleted is interlined.

37.70.601 BENEFIT AWARD (1) through (1)(b) remain the same.

(c) The following table of base benefit levels takes into account the number of bedrooms in a house, the type of dwelling structure, and the type of fuel used as a primary source of heating:

TABLE OF BENEFIT LEVELS

(i) SINGLE FAMILY

# BEDROOMS	NATURAL					
	GAS	ELECTRIC	PROPANE	FUEL OIL	WOOD	COAL
ONE	<del>\$ 359</del>	<del>\$ 438</del>	<del>\$ 549</del>	<del>\$ 676</del>	<del>\$ 367</del>	<del>\$ 184</del>
TWO	522	637	798	982	533	268
THREE	712	868	1,087	1,339	726	365
FOUR	979	1,194	1,496	1,842	999	502

# BEDROOMS	<u>NATURAL</u> <u>GAS</u>	<u>ELECTRIC</u>	<u>PROPANE</u>	<u>FUEL OIL</u>	<u>WOOD</u>	<u>COAL</u>
<u>ONE</u>	<u>\$ 477</u>	<u>\$ 616</u>	<u>\$ 900</u>	<u>\$1,023</u>	<u>\$ 527</u>	<u>\$ 281</u>
<u>TWO</u>	<u>694</u>	<u>896</u>	<u>1,308</u>	<u>1,486</u>	<u>765</u>	<u>409</u>
<u>THREE</u>	<u>947</u>	<u>1,221</u>	<u>1,782</u>	<u>2,026</u>	<u>1,042</u>	<u>557</u>
<u>FOUR</u>	<u>1,302</u>	<u>1,680</u>	<u>2,452</u>	<u>2,787</u>	<u>1,434</u>	<u>766</u>

(ii) MULTI-FAMILY

# BEDROOMS	<u>NATURAL</u> <u>GAS</u>	<u>ELECTRIC</u>	<u>PROPANE</u>	<u>FUEL OIL</u>	<u>WOOD</u>	<u>COAL</u>
<u>ONE</u>	<u>\$ 304</u>	<u>\$ 371</u>	<u>\$ 464</u>	<u>\$ 718</u>	<u>\$ 310</u>	<u>\$ 156</u>
<u>TWO</u>	<u>458</u>	<u>558</u>	<u>699</u>	<u>1,082</u>	<u>466</u>	<u>234</u>
<u>THREE</u>	<u>672</u>	<u>819</u>	<u>1,026</u>	<u>1,587</u>	<u>684</u>	<u>344</u>
<u>FOUR</u>	<u>785</u>	<u>957</u>	<u>1,199</u>	<u>1,854</u>	<u>799</u>	<u>402</u>

# BEDROOMS	<u>NATURAL</u> <u>GAS</u>	<u>ELECTRIC</u>	<u>PROPANE</u>	<u>FUEL OIL</u>	<u>WOOD</u>	<u>COAL</u>
<u>ONE</u>	<u>\$ 404</u>	<u>\$ 522</u>	<u>\$ 761</u>	<u>\$1,087</u>	<u>\$ 445</u>	<u>\$ 238</u>
<u>TWO</u>	<u>609</u>	<u>785</u>	<u>1,146</u>	<u>1,637</u>	<u>669</u>	<u>357</u>
<u>THREE</u>	<u>894</u>	<u>1,152</u>	<u>1,682</u>	<u>2,402</u>	<u>982</u>	<u>525</u>
<u>FOUR</u>	<u>1,044</u>	<u>1,346</u>	<u>1,965</u>	<u>2,806</u>	<u>1,147</u>	<u>614</u>

(iii) MOBILE HOME

# BEDROOMS	<u>NATURAL</u> <u>GAS</u>	<u>ELECTRIC</u>	<u>PROPANE</u>	<u>FUEL OIL</u>	<u>WOOD</u>	<u>COAL</u>
<u>ONE</u>	<u>\$ 303</u>	<u>\$ 369</u>	<u>\$ 463</u>	<u>\$ 597</u>	<u>\$ 309</u>	<u>\$ 155</u>
<u>TWO</u>	<u>443</u>	<u>540</u>	<u>676</u>	<u>873</u>	<u>452</u>	<u>227</u>
<u>THREE</u>	<u>587</u>	<u>716</u>	<u>897</u>	<u>1,157</u>	<u>599</u>	<u>301</u>
<u>FOUR</u>	<u>655</u>	<u>799</u>	<u>1,001</u>	<u>1,291</u>	<u>668</u>	<u>336</u>

# BEDROOMS	<u>NATURAL</u> <u>GAS</u>	<u>ELECTRIC</u>	<u>PROPANE</u>	<u>FUEL OIL</u>	<u>WOOD</u>	<u>COAL</u>
<u>ONE</u>	<u>\$ 403</u>	<u>\$ 519</u>	<u>\$ 759</u>	<u>\$ 903</u>	<u>\$ 444</u>	<u>\$ 237</u>
<u>TWO</u>	<u>589</u>	<u>760</u>	<u>1,108</u>	<u>1,321</u>	<u>649</u>	<u>346</u>
<u>THREE</u>	<u>781</u>	<u>1,007</u>	<u>1,470</u>	<u>1,751</u>	<u>860</u>	<u>459</u>
<u>FOUR</u>	<u>871</u>	<u>1,124</u>	<u>1,641</u>	<u>1,954</u>	<u>959</u>	<u>513</u>

(d) remains the same.

AUTH: 53-2-201, MCA

IMP: 53-2-201, MCA

4. The Low Income Energy Assistance Program (LIEAP) is a federally funded program to help low income households pay their home heating costs. ARM 37.70.601(1)(c) contains tables of benefit amounts that are used to determine the size of an eligible household's benefit. The amount of benefits a household will receive depends on multiple factors, including income level, type of primary heating fuel, the type of dwelling and number of bedrooms, and the heating district in which the household is located. A household's benefit also depends on the amount of funds available to pay LIEAP benefits for the current heating season, as federal funding varies from year to year.

Each year the base benefit amounts in ARM 37.70.601(1)(c) are revised to take into account changes in fuel prices, the number of households that will be eligible for benefits, and LIEAP funding, all of which change from year to year. The current benefit tables were prepared in summer 2007 based on estimates of the amount Congress would appropriate for LIEAP for the 2007-2008 heating season. The department must use estimates because Congress often does not finalize the LIEAP appropriation until after the beginning of the LIEAP heating season on October 1.

The current benefit amounts are based on total funding of \$12,289,462 for the 2007-2008 heating season, consisting of an estimated federal appropriation of \$11,842,000 plus \$446,842 of funds carried over from 2006-2007. However, the department is now able to pay larger benefits for 2007-2008 than previously anticipated, due to the receipt of additional federal funds of \$3,689,679. The amendment of ARM 37.70.601(1)(c) is necessary to increase the benefit amounts in the base benefit tables as a result of the increased federal funding.

Approximately 19,000 households are expected to receive LIEAP benefits during the current heating season. All households will receive a larger benefit due to the increased funding. Households that have already received a LIEAP payment for 2007-2008 will receive a second payment which is equal to the difference between the benefit the household is entitled to receive under the amended benefit tables and the benefit they received based on the current benefit tables. Payments to households that have not yet received a LIEAP payment for 2007-2008 will be computed using the increased amounts in the amended benefit tables.

5. Interested persons may submit comments orally or in writing at the hearing. Written comments may also be submitted to Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on March 27, 2008. Comments may also be faxed to (406)444-1970 or e-mailed to [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov). The department maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. To be included on such a list, please notify this same person or complete a request form at the hearing.

6. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice as printed in the Montana Administrative Register, but advises all concerned persons that, in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. The web site may be unavailable at times, due to system maintenance or technical problems.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct the hearing.

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Rule Reviewer

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Director, Public Health and  
Human Services

Certified to the Secretary of State February 19, 2008.